

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Edgar Clifford Avery, Jr.

v.

Case No. 23-cv-245-LM

State of New Hampshire

ORDER

After due consideration of the objection filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated June 21, 2023 (doc. no. 5). For the reasons explained therein, Avery's motion to vacate is denied, and the petition is dismissed for lack of jurisdiction.

The court declines to issue a certificate of appealability. See Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rule 11, Rules Governing Habeas Corpus Cases Under Section 2254; First Cir. LR 22.0.

The clerk is directed to issue judgment and close this case.

Landya B. McCafferty
Chief Judge

Date: June 30, 2023

cc: Edgar Clifford Avery, Jr., pro se